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# **A SUMMARY OF SELECTED BILLS TRULY AGREED TO AND FINALLY PASSED**

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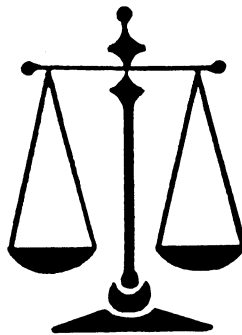
**84th General Assembly**

**First Regular Session**

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**Prepared By**

**Office of State Courts Administrator**

**August 1987**

TABLE OF CONTENTS

	<u>PAGE</u>
Senate Bills Listed by Bill Number . . . . .	i
House Bills Listed by Bill Number. . . . .	ii
Index. . . . .	iii
Introduction . . . . .	1
Bill Summaries . . . . .	2
Appendix . . . . .	15

## SENATE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
2	Open Meetings Law . . . . .	11
24	Unmarked Human Burial Sites . . . . .	6
25	Shift Juvenile Courts to State Funding. . .	10
39	House Arrest. . . . .	6
40	Courtroom Interpreters and Translators. . .	11
65, 133, 178, 216 & 211	County Officials' Salary Changes. . . . .	11
74	Public Purchase of American Goods . . . . .	12
83	65 MPH Speed Limit. . . . .	6
202	Council for Health Education for Missouri's Children. . . . .	4
230	Drug and Alcohol Penalties. . . . .	2
244	Juvenile Changes. . . . .	10
259	Food Stamp Fraud. . . . .	7
294	Sheriff's Mileage Reimbursement . . . . .	12
314	Cafeteria Benefit Plan. . . . .	13
328	Statutory Basis for Paternity . . . . .	3
 SJR 11	 General Assembly. . . . .	 13

## HOUSE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
24	Juror Compensation by Employers . . . . .	9
113, 501 & 668	Obscenity Law Changes . . . . .	7
208	Computer Crime. . . . .	8
222	Secret Ballot Presiding Judge . . . . .	9
233	Merchandise Photographs Used as Evidence. .	8
302	Child Abuse Investigation . . . . .	5
341	Battered Spouse Defense . . . . .	8
356	Estate Realty Sales . . . . .	13
416	Fireworks . . . . .	9
484	Income Withholding for Support or Maintenance . . . . .	4
517	Judgments Against Government Employees. . .	14
598	Child Victim Witness Protection Law . . . .	5
637	Personal Representatives. . . . .	13
700	Tort Reform and Liability Insurance Regulation . . . . .	6
713	Retirement Credits. . . . .	14
774	Employment Leave for Adoptive Parents . . .	14

## INDEX

	<u>PAGE</u>
<u>Alcohol and Drug Offenses</u> . . . . .	2
SB 230 Drug and Alcohol Penalties	
<u>Child Support</u> . . . . .	3
SB 328 Statutory Basis for Paternity	
HB 484 Income withholding for Support or Maintenance	
<u>Children.</u> . . . .	4
SB 202 Council for Health Education for Missouri's Children	
HB 302 Child Abuse Investigation	
HB 598 Child Victim Witness Protection Law	
<u>Civil Procedure</u> . . . . .	6
HB 700 Tort Reform and Liability Insurance Regulation	
<u>Crime and Criminal Procedure.</u> . . . .	6
SB 24 Unmarked Human Burial Sites	
SB 39 House Arrest	
SB 83 65 MPH Speed Limit	
SB 259 Food Stamp Fraud	
HB 113 Obscenity Law Changes	
HB 208 Computer Crime	
HB 233 Merchandise Photographs Used as Evidence	
HB 341 Battered Spouse Defense	
HB 416 Fireworks	
<u>Juries.</u> . . . .	9
HB 24 Juror Compensation by Employers	
<u>Judges.</u> . . . .	9
HB 222 Secret Ballot Presiding Judge	
<u>Juvenile.</u> . . . .	10
SB 25 Shift Juvenile Courts to State Funding	
SB 244 Juvenile Changes	

INDEX (continued)

Miscellaneous . . . . . 11

- SB 2 Open Meetings Law
- SB 40 Courtroom Interpreters and Translators
- SB 65 County Officials' Salary Changes
- SB 74 Public Purchase of American Goods
- SB 294 Sheriff's Mileage Reimbursement
- SJR 11 General Assembly

Probate . . . . . 13

- HB 356 Estate Realty Sales
- HB 637 Personal Representatives

State Employees . . . . . 13

- SB 314 Cafeteria Benefit Plan
- HB 517 Judgments Against Government Employees
- HB 713 Retirement Credits
- HB 774 Employment Leave for Adoptive Parents

## INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts or which appear likely to come to the attention of the courts within a short time. The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

The bills are arranged by subject matter; both a table of contents listing the bills by number, and an index, are provided at the front of the report.

Except for the bills marked "vetoed", all bills included in this summary have been signed by the Governor. Signed bills become effective September 28, 1987, unless otherwise indicated.

For a copy of any bill, please direct your request to:

Senate Bill Room  
State Capitol  
Jefferson City, Missouri 65101

House Post Office  
State Capitol  
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

# ALCOHOL AND DRUG OFFENSES

## CCS #3 HCS SS #2 SCS SB 230 DRUG AND ALCOHOL PENALTIES

Repeals sections 195.200, 302.060, 302.309, 302.312, 311.328, and 577.041, relating to alcohol and drugs, and enacts fourteen new sections relating to the same subject, with an effective date for certain sections.

302.060 Clarifies language regarding the denial of a driver's license to a person convicted twice for driving while intoxicated or convicted of involuntary manslaughter while driving while intoxicated, and stipulates a revocation period of five years from the date of the second conviction for driving while intoxicated.

302.309 Provides for the reinstatement of licenses for those individuals who have lost their license whose convictions were more than five years apart.

577.041 Refusal of a drunk driving test can be used as evidence against the driver in a criminal case.

Section 1 The first new section of this bill provides for the revocation of driving privileges for any person under 21 years of age who commits one of the following offenses:

Any state alcohol related traffic offense;

Any offense in violation of the laws of Missouri involving the possession or use of alcohol, committed while operating a motor vehicle;

Any offense involving the possession or use of a controlled substance as defined in chapter 195;

Any offense involving the alteration, modification or misrepresentation of an operator's or chauffeur's license in violation of section 311.328; and

Any offense in violation of state law involving the possession or use of alcohol for a second time; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age.

The court must forward to the director of revenue the order of revocation. If the person is less than sixteen years of age at the time of the offense, the court must hold the the order of revocation until thirty days before the person's sixteenth birthday and then must forward the order to revenue.



Section 2 Provides for a court order of revocation of driving privileges for persons over 21 convicted of a controlled substance violation while operating a motor vehicle.

Section 3 The revocation of driving privileges for violations of sections 1 and 2 will last for one year. If the person who committed the offense is not yet sixteen at the time of the offense, the one-year period begins automatically on that person's 16th birthday.

Section 5 Completion of a sanctioned alcohol or drug related education program and the payment of a \$20 reinstatement fee is required before license reinstatement for violators of section 1 and 2. The cost of the program shall be borne by the individual.

Section 6 Provides for the completion of an education program for anyone under the age of 21 who violates a state, county or municipal law concerning the possession, or use of alcohol other than those listed in sections 1 and 2.

Section 8 Provides for the waiver of confidentiality rules for physicians who report intoxication of persons injured in motor vehicle accidents.

Sections 1 through 8 become effective December 1, 1987.

## **CHILD SUPPORT**

### **CCS SB 328 STATUTORY BASIS FOR PATERNITY**

Repeals section 516.107 relating to the establishment of the parent and child relationship, and enacts twenty-four new sections relating to the same subject, with an emergency clause.

This legislation is entitled the "Uniform Parentage Act."

It creates presumptions as to the paternity of a child which can only be rebutted by clear and convincing evidence.

The bill provides for actions to establish paternity, states who may bring these actions, when they may be brought, and gives the circuit court jurisdiction in said actions; the rules of civil procedure govern.

The right to a jury trial is established.

This bill had an emergency clause and became effective on 7/15/87

## **CCS SCS HB 484 INCOME WITHHOLDING FOR SUPPORT OR MAINTENANCE**

Repeals sections 452.350, 452.370, 454.435, 454.500, and 454.505, relating to support obligations, liens and other child services, and enacts six new sections relating to the same subject, with an emergency clause.

This bill revises some procedures relating to child support enforcement. Provisions include:

452.350 Income withholding and garnishment orders to pay child support or maintenance are given priority over any other legal process under state law against the same wages;

452.370 The circuit court which originally entered an order for support or maintenance is given continuing jurisdiction over the parties for purposes of modifying an order;

Service by mail of motions to modify is allowed;

454.435 Prosecutors are allowed to enter into cooperative multiple county agreements to enforce medical support obligations;

454.450 Service of motions to modify may be received by the director of the Division of Child Support Enforcement in certain cases;

Only those payments which accrue subsequent to personal service of the parties may be modified;

454.505 The standard to which employees are held for purposes of withholding salaries as ordered is increased.

This bill had an emergency clause and became effective 7/16/87

## **CHILDREN**

### **HCS SS SB 202 COUNCIL FOR HEALTH EDUCATION FOR MISSOURI'S CHILDREN**

This bill creates the "Coordinating Council for Health Education of Missouri's Children and Adolescents." Included in the membership of this council shall be a representative of the juvenile justice system.

The council is charged with studying approaches to health education, reviewing existing health education programs and educator training, and promoting healthy family life.

## **HCS HB 302 CHILD ABUSE INVESTIGATION**

Repeals section 160.261, relating to a policy of discipline established by local boards of education, and enacts one new section relating to the same subject, with penalty provisions.

Spanking, when administered by certified personnel in a reasonable manner, is not child abuse within the meaning of the Child Abuse and Neglect Act.

This bill requires that the juvenile officer, along with the school superintendent or board president, investigate reports of alleged child abuse arising out of a school spanking. Falsification of the report is a class A misdemeanor.

## **HCS HB 598 CHILD VICTIM WITNESS PROTECTION LAW**

This bill repeals section 491.675, relating to the protection of certain child victims, and enacts twenty three new sections relating to the same subject, with penalty provisions.

This legislation alters the Child Victim Witness Protection Law to include the following provisions:

Upon the motion of the juvenile officer, the court may order that an in-camera videotaped recording of the testimony of an alleged child victim be made for use as substantive evidence at a juvenile court hearing at which a child is alleged to be a victim of abuse or neglect. There is an opportunity for cross-examination by the alleged perpetrator's attorney.

The "Child Protection Orders Act" is created, patterned after the adult abuse law currently in effect. A protective order may be issued in cases of alleged physical, emotional, or sexual abuse. A petition for this order may be filed by a parent or guardian, guardian ad litem, court-appointed special advocate, or the juvenile officer. An order granted in one county is to be enforceable in any county. Clerks are required to explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition to the court. The act also provides for the petitioner to use the protection of the law while keeping his or her address from being known; provides for financial support by the respondent to the petitioner; provides for police action to enforce the order of the court regarding protection and provides for the award of custody if the best interest of the child requires that such order be issued. A person who violates an order of protection is guilty of a class A misdemeanor.

The act also requires any criminal case or juvenile court hearing involving a child witness or victim be given docket priority and extends the statute of limitations for sexual offenses involving children to ten years for felonies and five years for misdemeanors.

## **CIVIL PROCEDURE**

### **HB 700 TORT REFORM AND LIABILITY INSURANCE REGULATION**

See the Appendix for a partial summary of this bill.

## **CRIME AND CRIMINAL PROCEDURE**

### **SB 24 UNMARKED HUMAN BURIAL SITES**

Provides for a class C misdemeanor penalty for persons who knowingly disturb, damage or destroy an unmarked human burial site.

### **HCS SS SCS SB 39 HOUSE ARREST**

Repeals section 217.775, relating to probation, and enacts in lieu thereof three new sections relating to the same subject, with an emergency clause.

Would require the circuit court, before granting "shock probation," to notify the state in writing that it intends to grant such probation and permits the state to request a hearing within ten days of receipt of notice. Prohibits the granting of shock probation to anyone convicted of murder in the second degree.

This bill also creates a program of house arrest for those inmates serving sentences for class C or D felonies who have one year or less remaining prior to release on parole, conditional release, or discharge. Provisions are made for supervision and for the payment of costs, as determined by the Department of Corrections, by the inmate for the cost of his/her house arrest. The bill also creates the crime of "failure to return to house arrest," making it a class D felony.

This bill had an emergency clause and became effective 6/19/87

### **HCS SB 83 65 MPH SPEED LIMIT**

Repeals sections 304.009, 304.010, and 304.012, relating to the speed limit on certain roads and highways, and enacts two new sections relating to the same subject, with penalty provisions and an emergency clause.

This bill, which became effective on May 1, 1987, raises the speed limit on rural interstates to 65 mph for cars; 60 mph for trucks weighing in excess of 24,000 lbs.

## **HCS SB 259 FOOD STAMP FRAUD**

This bill creates several crimes related to food stamp transactions and "authorization to participate" cards. They include stealing, unlawful receipt, unlawful conversion, unlawful transfer, and perjury. If the amount involved is \$150 or more, the crime is a class D felony; if less than \$150, a class A misdemeanor. A third conviction of any of the crimes listed in the act would be a class C felony.

## **SS SCS HCS HB 113,501 & 668 OBSCENITY LAW CHANGES**

Repeals sections 542.281, 542.301, 568.100, 573.010, 573.020, 573.030, 573.040, 573.050, 573.060, 573.070, and 573.080, relating to certain crimes, and enacts thirteen new sections relating to the same subject, with penalty provisions and an emergency clause.

This bill makes numerous changes in the statutes dealing with pornography and obscenity and creates two new crimes. Some of its major provisions include:

The crime of "possession of child pornography" is created; a first conviction is a class A misdemeanor, any subsequent conviction is a class D felony.

The crime of "coercing acceptance of obscene material" is created, a class D felony.

Subsequent convictions of several class A misdemeanors in Chapter 573 are punishable as class D felonies.

Oral testimony may be considered by a judge in determining whether to issue a warrant to search for or seize obscene material for evidentiary purposes; no adversary hearing is required. If the search and seizure are for other than evidentiary purposes, no warrant shall be issued without an adversary hearing.

A determination that matter is obscene in a criminal proceeding is made clear and convincing evidence that the material should be forfeited to the state.

Cities, towns and counties of the first class are allowed to regulate conduct covered by chapter 573 and may increase penalties for violations of local regulations.

This bill had an emergency clause and became effective 7/15/87

### **HCS HB 208    COMPUTER CRIME**

Repeals sections 569.093, 569.095, 569.097, and 569.099 relating to certain crimes involving intellectual property and equipment, and enacts six new sections relating to the same subject, with penalty provisions.

This bill revises the statutes dealing with computer crimes and creates two new sections. A civil remedy is made available to a victim of computer crime to compensate for the costs of verifying that a system was not altered, damaged or deleted.

Some computer crimes are increased from misdemeanors to felonies in certain instances.

### **SCS HB 233    MERCHANDISE PHOTOGRAPHS USED AS EVIDENCE**

Provides that, in any prosecution for wrongful taking, photographs of the merchandise alleged to have been wrongfully taken shall be deemed competent evidence of such merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such merchandise had been introduced as evidence.

The photographs must depict the owner of the goods, the name of the mercantile establishment, and the date and time of the photograph. They must be accompanied by a written description of the merchandise, and by documents signed by the arresting officer, photographer, and the owner of the merchandise.

### **CCS SCS HCS HB 341    BATTERED SPOUSE DEFENSE**

Repeals section 566.010, relating to certain crimes, and enacts four new sections relating to the same subject.

This bill provides that evidence that a defendant was suffering from the "battered spouse syndrome" shall be admissible in criminal cases. The defendant must file written notice in advance of the trial as to the use of this evidence, and must submit to an examination by a psychiatrist, psychologist or physician.

The bill also expands the circumstances under which spouses are to be considered not married for defining sexual offenses to include those living apart pursuant to a judgment of legal separation or living apart and one of them has filed an action for annulment, separate maintenance, or dissolution and has sought and received a full order of protection or restraining order.

The jurisdiction of the courts is expanded to include offenses committed outside the state if an essential element of the crime occurs within this state. In homicide cases, if the body of a homicide victim is found in this state it is presumed that the result occurred in this state.

Reports of crime laboratories certified by the laboratory are admissible in preliminary hearings; the accused or his attorney shall be provided with a copy of such report at least ten days prior to the preliminary hearing and shall have an opportunity to conduct an interview of the person who conducted the test.

#### **HCS HB 416 FIREWORKS**

Repeals sections 320.106, 320.111, 320.116, 320.121, 320.126, 320.131, 320.136, 320.151, and 320.161 relating to fireworks, and enacts nine new sections relating to the same subject, with penalty provisions.

This bill makes numerous revisions to statutes regulating the sale and handling of fireworks.

## **JURIES**

#### **HB 24 JUROR COMPENSATION BY EMPLOYERS**

Provides that an employee, after notifying his supervisor in a timely fashion, shall be excused from work for those days he serves as a juror. A full-time employee who has been employed by the same employer for three consecutive months shall receive from his employer his usual compensation, less his juror's fee, for at least fifteen days of jury service. This act does not apply to employers with less than ten employees per facility. A hardship exemption request shall be allowed after review by the circuit court.

## **JUDGES**

#### **HB 222 SECRET BALLOT PRESIDING JUDGE**

Repeals section 478.240 relating to circuit courts, and enacts one new section relating to the same subject.

Provides that the circuit and associate circuit judges in each circuit shall select a circuit judge from their number, by secret ballot, to serve as presiding judge.

## JUVENILE

### HS SB 25 SHIFT JUVENILE COURTS TO STATE FUNDING

Repeals sections 211.381 and 211.393, relating to certain juvenile court personnel and enacts two new sections relating to the same subject, with an emergency clause.

This legislation would remove present restrictions on local supplements to state salaries of chief juvenile officers, would provide for reimbursement of two positions in the juvenile court of each circuit, and would provide for a four year phase-in of state reimbursement for the rest of the personnel costs of the juvenile courts (exclusive of fringe benefits): the first year the state reimbursement would be 25%, the second year, 50%, the third year, 75%, and the fourth year, 100%.

Limits are placed on the growth of the reimbursement base in large and small circuits: "Any circuit which will be reimbursed by the state...for the salaries of a chief deputy juvenile officer and a deputy juvenile officer, class 1, and which has not at the time this section is enacted employed both such officers shall not be reimbursed for any juvenile officers in addition to these two officers. Any circuit which will not be reimbursed under subsection 3 shall not be reimbursed for the salaries of any juvenile officer in excess of the number of juvenile officers which it employed at the time this section is enacted unless the general assembly has appropriated funds for such additional positions."

The bill would be effective July 1, 1987, and the first year's reimbursement is due in July 1988.

### HCS SS SCS SB 244 JUVENILE LAW CHANGES

Repeals sections 211.081, 211.181, 211.182, 211.183, 219.021, and 219.026, relating to the juvenile court, and enacts twelve new sections relating to the same subject.

This act restricts a juvenile court from placing a child outside the state without prior approval of the Division of Family Services; provides that obligations of the state incurred under 211.181 shall not exceed the amount appropriated for this purpose; and provides that placement in an institution shall be the least restrictive appropriate placement for the child, and shall be recommended by a psychiatric or psychological evaluation.

Juvenile courts are allowed to order restitution or community service pursuant to an informal adjustment.



The bill also provides that no child adjudicated a status offender or law violator may be released into a precare setting without prior notification to the committing court. Notification is required three weeks prior to such release.

A "professional evaluation team" consisting of a juvenile officer, an agent of DFS, a guardian ad litem, and a school employee where applicable, must submit a "long range permanency treatment plan" for each child in custody of the DOSS; the court may order implementation of the plan, but may not order treatment with a specific provider.

## **MISCELLANEOUS**

### **HCS SS SB 2 OPEN MEETINGS**

Repeals sections 610.010, 610.015, 610.020, 610.025, 610.027, and 610.028, relating to meetings, records, and votes of certain governmental bodies, and enacts ten new sections relating to the same subject, with penalty provisions.

This act revises the statutes dealing with the meetings and records of public bodies.

As far as we are able to determine, it does not apply to judicial records and proceedings.

### **HCS SB 40 COURTROOM INTERPRETERS AND TRANSLATORS**

Repeals sections 491.300 and 546.032, relating to handicapped persons, and enacts in lieu thereof two new sections relating to the same subject.

This bill would specify that fees paid to courtroom interpreters and translators shall be available in civil and criminal cases, and the amount of fee shall be determined by the court, and taxed against the state in criminal cases.

The bill also would extend the provisions , which were repealed last August, for interpreters for the deaf to municipal courts.

### **CCS HCS SS SCS SBs 65,133,178,216 & 211 COUNTY OFFICIAL'S SALARY CHANGES**

This bill repeals 107 sections relating to county employee's salaries, and also repeals sections 483.083, 483.260, 483.310, and 498.080, enacting several sections relating to the same subjects.

The final version of this bill would: Increase the salary of the Circuit Clerk for the City of St. Louis by approximately 83%, to \$67,000 (this figure includes the \$5,000 authorized in §483.088); authorize payment of up to \$25,000 in legal fees for the Circuit Clerk of the City of St. Louis and give the clerk the power to certify the payments; provide that the Circuit Clerk of the City of St. Louis is to serve as the secretary to the circuit court en banc or to designate a deputy to do so; include office supplies in the items authorized for payment from the earnings on the court's registry account and add the qualification "for the circuit clerk's office" to the statute (§483.310).

The bill also provides for a local salary commission in every county, except charter counties; the circuit clerk is made the temporary chairperson for the commission for purposes of calling the first meeting and presiding over the election of a chairman. There is no additional compensation for this duty.

In the future, counties moving to second class status would no longer be required to have a juvenile detention facility nor would they be required to separate the offices of circuit clerk and recorder of deeds.

#### **SB 74 PUBLIC PURCHASE OF AMERICAN GOODS**

This bill creates the Missouri Domestic Products Procurement Act. All state government entities and all political subdivisions must purchase or lease only those goods or commodities made in the United States, if the expenditure is greater than \$1,000. It does not apply if the product is not made in the United States, nor made in sufficient quantity, or if the cost would be increased by more than 10%.

Any vendor who misrepresents any product to a public agency will be guilty of a class A misdemeanor.

#### **SB 294 SHERIFF'S MILEAGE REIMBURSEMENT**

Repeals section 567.350, relating to certain compensation of certain county employees, and enacts one new section relating to the same subject.

This bill will provide more timely reimbursements for county sheriffs and deputies for duties in connection with a civil action. The bill allows the county commission to reimburse sheriffs and their deputies on a monthly basis for mileage traveled in the performance of their duties, regardless of the status of the civil action for or in which the mileage was incurred.

The bill also allows sheriffs to be reimbursed by the county for delivering prisoners to Corrections instead of requiring mileage reimbursement from the state.

## **SJR 11 GENERAL ASSEMBLY**

If approved by the voters, this constitutional amendment would provide that the General Assembly may not consider bills after 6:00 p.m. on the first Friday after the second Monday in May each year.

## **PROBATE**

### **HCS HB 356 ESTATE REALTY SALES**

Repeals section 473.530 relating to administration of estates, and enacts one new section relating to the same subject.

Provides that a court may authorize an executor or administrator to pay real estate sale fees and commissions out of proceeds received from the sale, mortgage, lease, or exchange of property of an estate.

### **HB 637 PERSONAL REPRESENTATIVES**

Repeals sections 473.117 and 475.055, relating to personal representatives, guardians, and conservators, and enacts two new sections relating to the same subject.

This bill will permit judges and clerks to serve as personal representatives, conservators and guardians for spouses and relatives within the third degree of consanguinity or affinity.

## **STATE EMPLOYEES**

### **SB 314 CAFETERIA BENEFIT PLAN**

Repeals section 33.103, relating to compensation of state employees, and enacts one new section relating to the same subject.

This act creates what is referred to as a "cafeteria benefit plan" for state employees. Under the provisions of this bill the commissioner of administration may establish a cafeteria plan, allowing employees to choose from among several benefits, and provide a written copy of the plan to employees 120 days prior to its effective date. An employee's salary would be reduced in an amount equal to the cost of benefits chosen, thereby allowing the employee to purchase additional benefits beyond the standard state provided benefits using pre-tax dollars.

## **HB 517 JUDGMENTS AGAINST GOVERNMENT EMPLOYEES**

Repeals section 525.310, relating to the procedure for satisfying judgments against certain governmental officers and employees, and enacts one new section relating to the same subject.

Provides that an unsatisfied return on a writ of execution is no longer required prior to issuing a writ of sequestration on judgments against government employees.

## **SS HCS HB 713 RETIREMENT CREDITS**

Repeals sections 104.010, 104.040, 104.103, 104.190, 104.254, 104.340, 104.342, 104.372, 104.470, 104.480, 104.515, 104.800, 105.353, 105.357, 105.670, 169.010, 169.135, 169.140, 169.410, 174.320, 287.812, 287.815, and 476.450, relating to certain retirement systems, and enacts twenty-eight new sections relating to the same subject, with an emergency clause.

In its final form, this bill will: allow judges who have served for twelve years to retire at age 62 with full benefits, judges who have served for less than twelve years to retire at age 62 with partial benefits, and judges who have served less than fifteen years to retire at age 60 with reduced benefits calculated using length of service as the determinant.

Supreme Court judges over sixty-five years of age with eight years of service and Supreme Court judges over sixty years of age with twelve years of service may elect before June 30, 1988, to retire and become a special commissioner and receive normal retirement benefits.

Surviving spouses of judges who served at least twenty-five years may receive compensation as a consultant if they were married to the judge for twenty-five years and are not eligible for benefits under the Judicial Retirement System. The compensation shall be one-half the compensation of a retired judge.

The bill will also increase the state's contribution to employee health insurance premiums to \$89.00. This is an increase of about \$20 per covered employee per month.

This bill had an emergency clause and became effective on 6/19/87.

## **HB 774 EMPLOYMENT LEAVES FOR ADOPTIVE PARENTS**

Any state employee who is an adoptive parent and primarily responsible for the child's care may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off to arrange for the child's care and placement.

## APPENDIX

### HB 700

This bill makes numerous changes in both the regulation of commercial lines of insurance and in the state's tort law. For your information, we have reprinted part of the summary prepared by the House Research staff; however, this bill should be read in its entirety.

#### Tort Law Provisions:

**Prejudgment Interest:** The bill authorizes pre-judgment interest on the entire amount of an award whenever the final judgment exceeds a settlement demand made by the claimant. The interest would begin to accrue either 60 days after a written demand for settlement is presented by the claimant to the party, parties or their representatives, or upon the rejection of such a demand without a counter offer, whichever occurs first. The rate will be determined pursuant to section 408.040 RSMo.

**Ad Damnum Clauses:** The bill abolishes the ad damnum clause, which is that part of the plaintiff's pleading which indicates the dollar amount of damages sought. Rather than praying for a specific dollar amount, the plaintiff will instead pray for fair and reasonable compensation, specifying that the amount sought meets the jurisdictional requirement of the court in which the action is brought. The defendant would be apprised of the amount sought through the discovery process.

**Products Liability:** The bill makes several changes to the state's product liability laws.

1. It provides a definition of a "product's liability claim" which tracks Missouri's approved jury instructions.
2. It allows the sellers of products to be dismissed from products liability suits where they themselves did nothing other than sell the product in question, with certain limitations.
3. In strict products liability cases based on the theory that the defendant failed to warn the plaintiff of the dangerous condition of the product, it grants the defendant a complete defense if the dangerous nature of the product was not known and could not have reasonably been discovered at the time the product entered the stream of commerce.
4. It applies the doctrine of comparative fault to products liability cases, with a specific definition being given of what constitutes "fault."

Toxic Clean Ups - The bill limits the liability of those who clean up environmental hazards created by others to a maximum of \$3 million for a single occurrence associated with such activity, with certain conditions.

Collateral Source Rule - The bill provides that, in the event a defendant or his insurer or authorized representative pays a plaintiff's special damages prior to trial, the defendant may introduce into evidence the fact that the bills were paid by someone other than the plaintiff, without identifying the payor. By introducing such evidence, the defendant waives the right to a credit against the judgment in the amount of the payment.

Punitive Damages: The bill changes the following aspects of awards of punitive damages.

1. At the request of any party, trials before a jury involving punitive damages will be bifurcated. In the first stage of the trial the jury will determine the liability of the defendant for actual damages, the amount of actual damages to be awarded, and whether punitive damages should be awarded. No evidence of the defendant's financial condition will be admissible in the first stage of such a trial. In the second stage of the trial, the jury will determine the amount of punitive damages to award. Evidence of the defendant's financial condition will be admissible in this stage.

2. Fifty percent of any final judgment awarding punitive damages, after the deduction of attorneys' fees and expenses, will be paid to the State of Missouri and deposited in a special fund known as the "Tort Victims Compensation Fund."

3. Whenever punitive damages are awarded against a defendant, other than for certain specified torts, the court shall give the defendant a credit for any punitive damages the defendant has previously paid in other judgments based on the same conduct, with certain limitations.

Joint and Several Liability: The concept of joint and several liability is retained in instances where the plaintiff is not at fault, meaning that each defendant in a case is potentially liable to the plaintiff for the entire amount of the damages, regardless of his percentage of comparative fault. Where the plaintiff is at fault, however, the bill modifies this concept so that, where any defendant's comparative share of a judgment is uncollectible, that amount is reallocated among all the parties, including the plaintiff, with certain limitations.

Remittitur and Additur: The bill allows a court to review a jury's award of damages and either increase or decrease the amount of that award as is necessary to provide fair and reasonable compensation to the plaintiff.

Directors' and Officers' Liability: Officers or members of governing bodies of not-for-profit corporations, associations, or organizations which are operating under the standards of Sections 501(c) of the Internal Revenue Code who are not compensated for their services on a salary or prorated equivalent basis are made personally immune from civil damages arising out of acts performed in their official capacity. This immunity does not extend, however, to intentional conduct, willful or wanton conduct, or gross negligence.

Medical Malpractice Case Exclusion: None of the tort reform provisions set forth in the new act apply to medical malpractice cases. Those cases will continue to be governed by the specific medical malpractice reform provisions adopted by the General Assembly in 1986.

The bill has an effective date of July 1, 1987.